

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KENNETH L. DILLON,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

No. CV-09-3043-CI

ORDER GRANTING STIPULATED
MOTION FOR REMAND PURSUANT
TO SENTENCE FOUR OF 42
U.S.C. 405(g)

BEFORE THE COURT is the parties' stipulated Motion for remand of the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 29.) Attorney D. James Tree represents Plaintiff Kenneth L. Dillon; Special Assistant United States Attorney Daphne Banay represents Defendant. The parties have consented to proceed before a magistrate judge. (Ct. Rec. 7.) After considering the stipulation of the parties,

IT IS ORDERED:

1. The parties' stipulated Motion for Remand (Ct. Rec. 29) is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) will update the medical

1 record with existing evidence from treating sources to include
2 medical source statements; the ALJ will further evaluate the
3 severity of Plaintiff's mental impairments; the ALJ will further
4 evaluate whether Plaintiff's impairments meet or equal the severity
5 requirements of any impairment in the Listings of Impairments,
6 including Listings 1.04A and 1.04C; the ALJ will further evaluate
7 the medical source opinions of record, including the opinions of Dr.
8 Bothamley (Tr. 341-44); Dr. Gaffield (Tr. 446-51, 452-58), Dr.
9 Humann (Tr. 435), Mr. Woolpert (Tr. 347-50); Mr. Woolpert and Dr.
10 Humann (Tr. 443-45), and Dr. Toews (Tr. 459-63); the ALJ will
11 further evaluate Plaintiff's subjective complaints; the ALJ will
12 further evaluate Plaintiff's residual functional capacity; and if
13 the sequential evaluation proceeds to step five, the ALJ will
14 reevaluate, with the assistance of VE testimony, Plaintiff's ability
15 to perform other work in the national economy.

16 2. Judgment shall be entered for the **PLAINTIFF**.

17 3. Plaintiff's Motion for Summary Judgment (**Ct. Rec. 24**) is
18 granted as moot.

19 4. An application for attorney fees may be filed by separate
20 motion.

21 The District Court Executive is directed to enter this Order,
22 forward copies to counsel, and thereafter shall close this file.

23 DATED July 30, 2010.

24
25 S/ CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE